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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2001 62873

SUZANNE ALICE JASPER RICHEY
7450 Girard Avenue
La Jolla, California 92037

A C C U S A T I O N

Physical Therapist Assistant License No. AT 870

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.
2. On or about October 28, 1983, the Physical Therapy Board of California issued Physical Therapist Assistant License NO. AT 870 to SUZANNE ALICE JASPER RICHEY (Respondent). Respondent's Physical Therapist Assistant License was expired from on or about November 30, 1999, until November 15, 2001. Respondent renewed her license on November 15, 2001 and will expire on November 30, 2005, unless renewed.

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4. Section 2609 of the Code states:

The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter.

Nothing in this section shall restrict the activities authorized by their licenses on the part of any persons licensed under this code or any initiative act, or the activities authorized to be performed pursuant to Article 4.5 (commencing with Section 2655) or Chapter 7.7 (commencing with Section 3500).

(i) Conviction of a violation of any of the provisions of this chapter or of the State Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the State Medical Practice Act.

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1 7. California Code of Regulations (“CCR”), title 16, section 1398.44, states:

2 “A licensed physical therapist shall at all times be responsible for
3 all physical therapy services provided by the physical therapist assistant. The
4 supervising physical therapist has continuing responsibility to follow the progress
5 of each patient, provide direct care to the patient and to assure that the physical
6 therapist assistant does not function autonomously. Adequate supervision shall
7 include all of the following:

8 “(a) The supervising physical therapist shall be readily available in person or by
9 telecommunication to the physical therapist assistant at all times while the physical
10 therapist assistant is treating patients. The supervising physical therapist shall provide
11 periodic on site supervision and observation of the assigned patient care rendered by the
12 physical therapist assistant.

13 “(b) The supervising physical therapist shall initially evaluate each patient and
14 document in the patient record, along with his or her signature, the evaluation and when
15 the patient is to be reevaluated.

16 “(c) The supervising physical therapist shall formulate and document in each
17 patient's record, along with his or her signature, the treatment program goals and plan
18 based upon the evaluation and any other information available to the supervising physical
19 therapist. This information shall be communicated verbally, or in writing by the
20 supervising physical therapist to the physical therapist assistant prior to initiation of
21 treatment by the physical therapist assistant. The supervising physical therapist shall
22 determine which elements of the treatment plan may be assigned to the physical therapist
23 assistant. Assignment of these responsibilities must be commensurate with the
24 qualifications, including experience, education and training, of the physical therapist
25 assistant.

26 “(d) The supervising physical therapist shall reevaluate the patient as previously
27 determined, or more often if necessary, and modify the treatment, goals and plan as
28 needed. The reevaluation shall include treatment to the patient by the supervising physical

1 therapist. The reevaluation shall be documented and signed by the supervising physical
2 therapist in the patient's record and shall reflect the patient's progress toward the
3 treatment goals and when the next reevaluation shall be performed.

4 “(e) The physical therapist assistant shall document each treatment in the patient
5 record, along with his or her signature. The physical therapist assistant shall document in
6 the patient record and notify the supervising physical therapist of any change in the
7 patient's condition not consistent with planned progress or treatment goals. The change in
8 condition necessitates a reevaluation by a supervising physical therapist before further
9 treatment by the physical therapist assistant.

10 “(f) Within seven (7) days of the care being provided by the physical therapist
11 assistant, the supervising physical therapist shall review, cosign and date all
12 documentation by the physical therapist assistant or conduct a weekly case conference
13 and document it in the patient record. Cosigning by the supervising physical therapist
14 indicates that the supervising physical therapist has read the documentation, and unless
15 the supervising physical therapist indicates otherwise, he or she is in agreement with the
16 contents of the documentation.

17 “(g) There shall be a regularly scheduled and documented case conference
18 between the supervising physical therapist and physical therapist assistant regarding the
19 patient. The frequency of the conferences is to be determined by the supervising physical
20 therapist based on the needs of the patient, the supervisory needs of the physical therapist
21 assistant and shall be at least every thirty calendar days.

22 “(h) The supervising physical therapist shall establish a discharge plan. At the
23 time of discharge, or within 7 (seven) days thereafter, a supervising physical therapist
24 shall document in the patient's record, along with his or her signature, the patient's
25 response to treatment in the form of a reevaluation or discharge summary.”

26 COST RECOVERY

27 8. Section 2661.5 of the Code states:

28 (a) In any order issued in resolution of a disciplinary proceeding before the

board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.

FIRST CAUSE FOR DISCIPLINE

(Unlicensed Practice)

9. Respondent is subject to disciplinary action under Code sections 2630 and 2660(i), in that while her license was expired, she continued to practice physical therapy. The circumstances are as follows:

A. From on or about November 30, 1999, until November 15, 2001, respondent's Physical Therapy Assistant License AT 870 was expired.

B. Respondent continued to practice physical therapy when her license was expired.

SECOND CAUSE FOR DISCIPLINE

(Unlawful Practice of Physical Therapy)

10. Respondent is further subject to disciplinary action under Code sections 2630, 2660(i), and CCR, title 16, section 1398.44, in that she engaged in the unlawful practice of physical therapy when respondent performed patient evaluations and her husband, her supervising physical therapist, failed to review, co-sign, and date all documentation by respondent.. The circumstances are as follows:

A. On or about November 7, 2001, an investigation was conducted regarding a complaint about unlicensed physical therapy care provided at the La Jolla Physical Therapy Center. Respondent is a physical therapist assistant and her husband is the supervising physical therapist at the La Jolla Physical Therapy Center. Review of nine charts revealed initial patient evaluations performed by respondent and treatment of patients acting independently as a physical therapist. Such action by a physical therapist assistant would constitute the physical therapist assistant functioning illegally as a physical therapist.

1 **Patient B. McCormick**

2 B. On or about May 10, 2001, patient B. McCormick was
3 provided physical therapy by respondent. The treatment note was signed by
4 respondent without co-signature by the supervising physical therapist nor was
5 there any chart notation that a case conference was conducted by the supervising physical
6 therapist with the physical therapist assistant.

7 **Patient W. Griffin**

8 C. On the following dates, respondent provided physical
9 therapy to patient W. Griffin. The treatment notes were signed by respondent
10 without a co-signature by the supervising physical therapist nor was there any
11 chart notation that a case conference was conducted by the supervising physical
12 therapist with the physical therapist assistant:

13 January 29, 2001
14 March 7 & 21, 2001
15 April 2, 9 & 16, 2001
16 May 21, 2001
17 June 4 & 25, 2001
18 July 9, 2001
19 August 1 & 29, 2001
20 September 24, 2001
21 October 8 & 22 2001

22 **Patient M. Kallusch**

23 D. On the following dates, respondent provided physical
24 therapy treatment to patient M. Kallusch. The treatment notes were signed by
25 respondent without a co-signature by the supervising physical therapist nor was
26 there any chart notation that a case conference was conducted by the supervising
27 physical therapist with the physical therapist assistant:

28 August 15, 20, & 30, 2001
September 27, 2001
October 22, 2001

29 **Patient E. Markey**

30 E. On the following dates, respondent provided physical
31 therapy treatment to patient E. Markey. The treatment notes were signed by

1 respondent without a co-signature by the supervising physical therapist nor was
2 there any chart notation that a case conference was conducted by the supervising
3 physical therapist with the physical therapist assistant:
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5 January 29, 2001
6 February 14 & 28, 2001
7 April 9, 11 & 30, 2001
8 June 11, 2001
9 August 8, 2001
10 October 4, 8, & 15, 2001

11 **Patient B. Marshall**

12 F. On the following dates, respondent provided physical
13 therapy to patient B. Marshall. The treatment notes were signed by respondent
14 without a co-signature by the supervising physical therapist nor was there any
15 chart notation that a case conference was conducted by the supervising physical
16 therapist with the physical therapist assistant:

17 September 24 2001
18 October 1 & 8, 2001
19 June 21 & 25, 2001

20 **Patient D. Carlson**

21 G. On September 5, 2001, respondent wrote a letter to patient
22 D. Carlson's insurance company recommending continuation of physical therapy
23 treatments for D. Carlson. On or about October 1, 2001, respondent wrote
24 another letter to the insurance company stating "[D. Carlson] was under my
25 guidance for pelvic/lumbar stability and lower extremity strengthening". The
26 letters were not co-signed by respondent's supervising physical therapist nor was
27 there any documentation in the record that the supervising physical therapist
28 agreed or was aware of the treatment and letters provided by respondent. In
addition, respondent provided physical therapy to patient D. Carlson. The
treatment notes were signed by respondent without a co-signature by the
supervising physical therapist nor was there any chart notation that a case

1 conference was conducted by the supervising physical therapist with the physical
2 therapist assistant:

3 July 30, 2001
4 August 2, 2001
5 October 22, 2001
6 September 11, 2001

6 **Patient C. Hamburger**

7 H. On October 2, 2000, the Initial Evaluation was conducted
8 by respondent. On the following dates, respondent provided physical therapy to
9 patient C. Hamburger. The treatment notes were signed by respondent without a
10 co-signature by the supervising physical therapist nor was there any chart notation
11 that a case conference was conducted by the supervising physical therapist with
12 the physical therapist assistant:

13 October 2, 2000 Initial Evaluation
14 October 25, 2000
15 November 6, 2000
16 December 4, 11 & 18, 2000
17 January 22 & 29, 2001
18 February 5, 20, & 28, 2001
19 April 2, 9, & 23 2001
20 June 18 & 25, 2001
21 July 23 & 30, 2001
22 August 8 & 20, 2001
23 September 10, 18, & 24, 2001
24 October 8 & 22, 2001

20 **THIRD CAUSE FOR DISCIPLINE**

21 (Aiding and Abetting)

22 11. Respondent is further subject to disciplinary action under Code sections
23 2630, 2660 (i) and 2660(j) in that she practiced physical therapy while her license was expired, as
24 more particularly described in paragraphs 9 and 10, above, which are incorporated herein in its
25 entirety.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Physical Therapy Board of California issue a
4 decision:

5 1. Revoking or suspending Physical Therapist Assistant License No. AT 870,
6 issued to SUZANNE ALICE JASPER RICHEY;

7 2. Ordering SUZANNE ALICE JASPER RICHEY to pay the Physical
8 Therapy Board of California the reasonable costs of the investigation and enforcement of this
9 case, pursuant to Business and Professions Code section 2661.5;

10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: March 11, 2004 .

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14 Original Signed By:
15 STEVEN K. HARTZELL
16 Executive Officer
17 Physical Therapy Board of California
18 Department of Consumer Affairs
19 State of California
20 Complainant

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